

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christopher J. Dyl Art Unit : 3714
Serial No. : 10/633,062 Examiner : Frank M. Leiva
Filed : August 1, 2003 Conf. No. : 3611
Title : SECURING GOAL-ACTIVATED GAME CONTENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ADVISORY ACTION

In response to the advisory action dated June 4, 2008 following the final office action of April 24, 2008, Applicant requests reconsideration of the Examiner's determination concerning the prior art status of *Igarashi*.

The Examiner correctly points out that *Igarashi* was published in English in the US pre-grant publication US 2006/0166733 on July 27, 2006. However, the pre-grant publication 2006/0166733 is *not* a publication under Article 21(2) of the Patent Cooperation Treaty. It is therefore *not* prior art under section 102(e).

Applicant draws attention to 35 USC 102(e) which states:

"an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States *only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*"

The Examiner is ignoring the language "under Article 21(2) of" the Patent Cooperation Treaty.

The *Igarashi* PCT publication, WO2004/02590, *is* a publication under Article 21(2) of the Patent Cooperation Treaty. But WO2004/02590 is *not* in English.

Accordingly, the effective date of US 2006/0166733 as a reference is its publication date, which is after the filing date of the present application.

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Attorney's Docket No.: 19815-015001

No fees are believed to be due in connection with the filing of this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our Deposit Account No. 06-1050, referencing Attorney Docket No. 19815-015001.

Respectfully submitted,

Date: June 24, 2008



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